

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**JULY 22, 2002**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**CLIVE, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 8:30 a.m. on Monday, July 22, 2002, in the Ingram Office Building, Clive, Iowa.

### MEMBERS PRESENT

James Braun  
Lisa Davis Cook  
Darrell Hanson – Arrived at 8:50  
Kathryn Murphy, Chair  
Gary Priebe, Vice Chair  
Kelly Tobin  
Terrance Townsend  
Rita Venner, Secretary

### MEMBERS ABSENT

Lori Glanzman – Called to say she could not attend due to a schedule conflict.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Change: Appointment for Eric Davidson to Bob Uetz at 9:30
- Add: Appointment: Duane Bundy – Iowa State University – 9:40
- Add: Appointment: Craig Hill – Responsible Air Quality Coalition – 9:50
- Change: Conference Call to Dennis Hinkle from 1:00 to 1:10
- Add: Appointment – Mark Feldman, Attorney for BCD Corporation 1:30

*Motion was made by Gary Priebe to approve the agenda as amended. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS AMENDED**

### APPROVAL OF MINUTES

*Motion was made by Rita Venner to approve the minutes for the June 17, 2002 Environmental Protection Commission Meeting as presented. Seconded by Kelly Tobin. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Director Jeffrey Vonk said the Department has begun the process of rulemaking for the livestock bill passed in the last legislative session. He said he looked forward to the Commissioners input and approval for the direction they have chosen.

Kathryn Murphy asked about the progress at Storm Lake.

Jeff Vonk said he has met with the Storm Lake Protective Association for the past two years. Last year when they were given funds through the Department to begin a lake-dredging project they asked when the project would be funded again. Mr. Vonk replied that it would likely take another several years. They then discussed the options available to them through the use of local support rather than depending on the Department to take the lead. He said when he returned this year he found that the Storm Lake Protective Association has aggressively taken the leadership role and have put together a great watershed plan for erosion control and sediment reduction. Buena Vista County and the City of Storm Lake have each dedicated \$600,000 of local tax monies toward the restoration of the lake, in addition to approximately \$400,000 in private donations.

<b>INFORMATION ONLY</b>
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## MONTHLY REPORTS

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Preproposal	Notice to Commission	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Rules Effective
1. Ch. 20, Ch. 28 Ambient Air Quality Standards (CAFO)	7/22/02	*8/21/02		*9/09/02			*10/14/02	*10/14/02	*11/13/02		*12/03/02	*12/18/02
2. Ch. 22 Definition of Stationary Source Categories	5/20/02	6/12/02	1710B	7/09/02	7/11/02	7/26/02	*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02
3. Ch. 38 Private Water Well Construction Permits	4/15/02	5/15/02	1619B	6/11/02	6/4-6, 11- 13/02	6/07/02	*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02
4. Ch. 60, Ch. 64 Stormwater Amendments	6/17/02	7/10/02		*8/06/02	8/16/02	8/16/02	*9/16/02	*9/16/02	*10/16/02		*11/05/02	*11/20/02
5. Ch. 61 WU Assessment Qualified Volunteers	12/17/01	2/06/02	1351B	3/08/02	2/27/02 3/01/02 3/07/02	3/07/02	6/17/02	*6/17/02	*7/10/02		*8/06/02	*8/14/02
6. Ch. 64 Wastewater Construction & Operation Permits	4/15/02	5/15/02	1620B	6/11/02	6/04/02	6/04/02	7/22/02	*7/22/02	*8/21/02		*9/03/02	*9/25/02
7. Ch. 65 Animal Feeding Operations Interim Matrix							7/22/02	*7/22/02	*8/21/02		*9/03/02	*8/02/02

8. Ch. 65 Animal Feeding Operations Interim Matrix	7/22/02	*8/21/02		*9/03/02	*9/10/02	*9/10/02	*10/14/02	*10/14/02	*11/13/02		*12/03/02	*12/18/02
9. Ch. 84 Well Contractor Certification	4/15/02	5/15/02	1618B	6/11/02	6/4-6, 11-13/02	6/07/02	*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02
10. Ch. 102 Permits; Ch. 103 Sanitary Landfills (Rescind); Ch. 103 SLF: Coal Combustion Residue; Ch. 110 Design, Construction and Operation Standards for Solid Waste Management Facilities; Ch. 112 SLF: Biosolids Monofills; Ch. 113 SLF: Municipal Solid Wastes; Ch. 114 SLF: Construction and Demolition Waste; Ch. 115 SLF: Industrial Monofills	*8/19/02	*9/18/02		*10/01/02	*10/08/02	*10/08/02	*11/18/02	*11/18/02	*12/11/02		*1/07/03	*1/15/03
11. Ch. 111 Financial Assurance Requirements for Municipal SW Landfills	12/17/01	1/09/02	1263B	2/04/02	2/12/02	2/12/02	6/17/02	6/17/02	*7/10/02		*8/06/02	*8/14/02
12. Ch. 117 Waste Tire Management (Open Burning)							7/22/02	*7/22/02	*8/21/02		*9/03/02	*8/02/02
13. Ch. 118 Discarded Appliance Demanufacturing	3/18/02	4/17/02	1540B	5/15/02	5/14/02	5/14/02	*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02
14. Ch. 133 Rules for Determining Clean-Up Actions & Responsible Parties	5/20/02	6/12/02	1711B	7/09/02	7/02/02	7/02/02	*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02

## Monthly Variance Report

July, 2002

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Alliant Energy Corporation-Ottumwa Generating Station	Air Quality		Permit Requirements	Approved	06/12/02
2	Camcar Textron, Inc.-Decorah	Air Quality		Permit Requirements	Denied	06/26/02
3	Lafarge North America-Buffalo	Air Quality		Permit Requirements	Approved	06/06/02
4	Quad County Corn Processors Cooperative-Galva	Air Quality		Permit Requirements	Approved	06/03/02

During the period June 1, 2002, through June 30, 2002, 116 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)
December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	81 (55)	4 (7)	59 (36)	18 (12)	21 (13)	53 (33)	0 (0)	3 (0)	0 (0)	4 (9)
February	62 (58)	4 (0)	44 (43)	14 (15)	20 (14)	37 (36)	1 (0)	2 (4)	1 (1)	1 (3)
March	93 (80)	8 (3)	68 (55)	17 (22)	27 (21)	57 (48)	1 (1)	1 (2)	3 (2)	4 (6)
April	155 (126)	47 (32)	83 (71)	24 (23)	44 (35)	99 (78)	2 (3)	1 (4)	5 (1)	4 (5)
May	112 (113)	29 (24)	73 (65)	10 (24)	22 (28)	81 (71)	0 (3)	2 (3)	0 (1)	7 (7)
June	116 (92)	20 (17)	78 (59)	18 (16)	30 (25)	70 (58)	6 (1)	0 (3)	1 (0)	9 (5)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

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September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	821 (686)	131 (90)	549 (439)	140 (156)	242 (187)	494 (419)	16 (8)	10 (22)	14 (7)	45 (43)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
14	20	20	11	33	18

\*The "Other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown, and Other".

During the period June 1, 2002, through June 30, 2002, 0 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	9 (3)	1 (0)	2 (2)	2 (1)	4 (0)	8 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	1 (1)	0 (0)	1 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (4)	0 (0)	0 (4)	0 (0)	0 (0)	0 (4)	0 (0)	0 (0)	0 (0)	0 (2)
March	3 (2)	0 (0)	1 (1)	1 (1)	1 (0)	2 (1)	1 (1)	0 (0)	0 (0)	1 (0)
April	6 (6)	0 (0)	4 (3)	1 (0)	1 (3)	6 (5)	0 (1)	0 (0)	0 (0)	3 (0)
May	5 (3)	0 (0)	3 (3)	2 (0)	0 (0)	1 (3)	4 (0)	0 (0)	0 (0)	2 (0)
June	0 (2)	0 (0)	0 (2)	0 (0)	0 (0)	0 (2)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	31 (28)	1 (0)	15 (19)	8 (5)	0 (0)	23 (25)	6 (3)	2 (0)	0 (0)	10 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	0	0	0	0

The following new enforcement actions were taken last month:

Name , Location , and Field Office Number	Program	Alleged Violation	Action	Date
Wellman Dynamics d/b/a Fansteel Dynamics, Creston (4)	Air Quality	Construction Without Permit; Monitoring/Reporting	Order/Penalty \$2,500	5/28/02
Robinson Brothers Environmental, Inc., Des Moines (5)	Air Quality	Asbestos	Consent Amendment	6/5/02

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Jerry Chatfield d/b/a North Iowa Truck & Tractor, Franklin Co. (2)	Solid Waste Wastewater	Illegal Disposal; Stormwater – Operation Without a Permit	Order/Penalty \$3,000	6/12/02
Kevin Wallerich, Washington Co. (6)	Solid Waste Wastewater	Illegal Disposal; Stormwater – Operation Without a Permit	Order/Permit \$500	6/12/02
Clifton Clark, Harrison Co. (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,500	6/12/02
Rocky Knoll Mobile Home Park, Forest City (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate, Other Inorganics; Certified Operator; CCR	Amended Order \$10,000	6/12/02
Park View Motel, Oelwein (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$750	6/12/02
Grinnell Properties, Inc., Grinnell (5)	Underground Tank	Site Assessment	Order/Penalty \$5,920	6/12/02
ITWC, Inc., Malcom (5)	Air Quality	Construction Without Permit	Order/Penalty \$7,500	6/12/02
Mark Pearson, Adams Co. (4)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$250	6/14/02
Paul Johannes, Adams Co. (4)	Animal Feeding Operation	Uncertified Applicator; Failure to Update Plan	Order/Penalty \$500	6/14/02
M-F Real Estate, Inc.; Fred Levell, Carter Lake (4)	Hazardous Condition	Remedial Action	Order/Penalty \$3,200	6/14/02
Timothy Eischeid, Carroll Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	6/14/02
Thombert, Inc., Newton (5)	Air Quality	Construction Without Permit	Order/Penalty \$5,000	6/17/02
Asbestos Handlers, Inc., Dubuque (1)	Air Quality	Asbestos	Consent Amendment	6/17/02
Archer-Daniels-Midland Co., Clinton (6)	Solid Waste	Compliance Schedule	Consent Order	6/19/02
Panora, City of (4)	Drinking Water	Certified Operator	Order/Penalty \$500	6/19/02
Kent, City of (4)	Wastewater	Prohibited Discharge	Order	6/19/02
Thayer, City of (4)	Wastewater	Prohibited Discharge	Order	6/19/02

Mt. Pleasant, City of (6)	Wastewater	Sludge Disposal	Order/Penalty \$1,000	6/19/02
College Springs, City of (4)	Wastewater	Prohibited Discharge	Order	6/24/02
Garry B. Pellett; Pellett Chemical Co., Inc.; Charles R. South, Wiota (4)	Underground Tank	UST Closure	Order/Penalty \$2,645	6/24/02
Marion F. Murray; Murray's Transfer and Storage, Davenport (6)	Underground Tank	UST Closure	Order/Penalty \$2,480	6/24/02
Waukon Golf and Country Club, Waukon (1)	Underground Tank	UST Closure	Order/Penalty \$2,480	6/24/02
Dan Carnicle d/b/a Beaver Service and Repair; Sharon Carnicle, Oelwein (1)	Underground Tank	UST Closure	Order/Penalty \$2,500	6/24/02
Frank Siemans, Wright Co. (2)	Animal Feeding Operation	Failure to Empty Discontinued Facilities	Order/Penalty \$3,000	6/24/02
Robert Salter, Logan (4)	Drinking Water Wastewater	License Discipline	Consent Revocation of Certification	6/25/02
Nevada, City of (5)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty \$9,000	6/26/02
College Pro Painters (U.S.) Ltd., Ames (5)	Wastewater	Prohibited Discharge	Order/penalty \$10,000	6/26/02
Peter Cook, Grand Mound (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$5,000	6/26/02

The following administrative penalties are due:

Name/Location	Program`	Amount	Due Date
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99

Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Coralville, City of	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
Hale Tap (Olin)	WS	200	2-15-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Days Inn 2 <sup>nd</sup> Addition (Williamsburg)	WS	10,000	4-07-02
* Steve Friesth (Webster Co.)	AQ/SW	450	4-15-02
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	500	5-15-02
* Kiefer Built, Inc. (Kanawha)	AQ	5,000	5-30-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Patrick M. Pinney Contractors, Inc. (Sioux City)	AQ	2,100	4-23-02

Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Moonshine Tap (New Hampton)	WS	300	4-30-02
Bubba's Bar & Grill (Cresco)	WS	175	4-30-02
Richard and Charlotte Caves (Oskaloosa)	HC	10,000	5-03-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	100	6-15-02
Lisa Collins d/b/a Collins Quality Cleaners (Ft. Madison)	AQ	1,000	5-17-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Affordable Asbestos Removal, Inc. (Ottumwa)	AQ	2,900	5-26-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
# Kris King (Audubon)	AFO	500	6-02-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
* George Redman (Mitchellville)	AQ	4,500	6-15-02
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	6-25-02
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
Sid's Gas & Groceries (Forest City)	WS	200	6-26-02
Coin, City of	WS	250	6-28-02
Lemar Koethe (Dallas Co.)	AQ/SW	6,000	6-29-02
Midwest Farmers Coop (Sheldon) Natural Resources	WW	75,000	6-30-02
Damages			
Midwest Farmers Coop (Sheldon) Natural Resources	WW	75,000	6-30-03
Damages			
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Leonard Anderson (Linn Grove)	UT	1,160	7-09-02
Mitchell Town Pump (Mitchell)	WS	500	7-09-02
Air Bears II (Thompson)	WS	300	7-13-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
* Winter Mobile Home Park (New Hampton)	WS	2,250	7-15-02
* Advance Millwork, Inc. (North Liberty)	AQ	500	7-15-02
Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	3,000	7-15-02
John Saathoff (Grafton)	AQ	500	7-15-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Allison, City of	AQ	10,000	8-06-02
Cordes Excavating; Clint Cordes (Allison)	AQ	1,000	8-06-02
Stone Investments, L.C.; A-Line Iron & Metals (Waterloo)	AQ	1,000	8-06-02
Charles Lakin d/b/a Charles Lakin Ent. (Franklin Co.)	SW	2,500	8-09-02
ITWC, Inc. (Brooklyn)	AQ	7,500	8-17-02
Grinnell Properties, Inc.; David Hamilton (Grinnell)	UT	5,920	8-17-02
# Paul Johannes (Adams Co.)	AFO	500	8-17-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Rocky Knoll Mobile Home Park (Forest City)	WS	10,000	8-18-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02

Thombert, Inc. (Newton)	AQ	5,000	8-23-02
# Mark Pearson (Adams Co.)	AFO	250	8-23-02
Timothy Eischeid (Carroll Co.)	SW	2,000	8-25-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Independence Mobile Home Park (Independence)	WS	800	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Alva Parker (Ringgold and Union Co.)	AQ/SW	10,000	----
Mobile World, L.C. (Camanche)	WW	2,000	----
# Rome Pork, L.L.C.; William Huber (Jefferson Co.)	AFO	2,000	----
# DeCoster Farms of Iowa; Sow Unit #3 (Hamilton Co.) SEP	AFO	2,000	----
Wellington Environmental (Iowa City)	AQ	1,000	----
Wellman Dynamics; Fansteel Wellman Dynamics (Creston)	AQ	2,500	----
Clifton Clark (Moorhead)	AQ/SW	1,500	----
Kevin Wallerich (Keota)	SW/WW	500	----
Park View Motel (Oelwein)	WS	750	----
# Frank Siemans (Wright Co.)	AFO	3,000	----
Dan Carnicle; Beaver Service & Repair; Sharon Carnicle	UT	2,500	----
Waukon Golf and Country Club (Waukon)	UT	2,480	----
Marion F. Murray; Murray's Transfer & Storage (Davenport)	UT	2,480	----
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645	----
Peter Cook (Grand Mound)	AQ/SW	5,000	----
College Pro Painters (U.S.), Ltd. (Ames)	WW	10,000	----
Nevada, City of	WW	9,000	----
Mt. Pleasant, City of	WW	1,000	----
# Doug Wedemeyer (Adair Co.)	AFO	2,500	----
<b>TOTAL</b>		<b>495,346</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93

Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
West Liberty, City of	WW	5,000	
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
<b>TOTAL</b>		<b>179,094</b>	

The following administrative penalties have been appealed:

Name/Location	Program	Amount
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000

Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
# Floyd Kroeze (Butler Co.)	AFO	3,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Onawa Country Club (Onawa)	WS	1,500
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000

Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods – Council Bluffs)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000
Adrian Skoda; Bowlaway Lanes (New Hampton)	WS	500
Sapp Bros. Truck Stops, Inc. (Percival)	WS	10,000
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	7,000
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Big Rock Country Club (Fayette Co.)	WS	1,500
# Lawrence Handlos (Audubon Co.)	AFO	3,000
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	10,000
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	10,000
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Minden, City of	WW	3,000
Mid-States Asbestos Removal, Inc. (Sioux City)	AQ	4,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
Maysville, City of	WS	700
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000
Wellington Environmental (Davenport)	AQ	4,000
Amos Zimmerman; Cantril Feed and Grain (Cantril)	AQ/SW	3,000
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
Paul L. Nagle (Clear Lake)	AQ	4,600
Seymour, City of	AQ	1,400
Deer Track Subdivision; F & J Enterprises (Mills Co.)	WW	4,000
# Dennis Kruger (Hancock Co.)	AFO	500
<b>TOTAL</b>		<b>389,390</b>

The following administrative penalties were paid last month:

Name/Location	Program	Amount
Polk County Conservation Board; Jester Park No. 1 and 2	WW	3,000
Fisher Controls International, Inc. (Marshalltown)	AQ	4,000
Timberline Golf Course (Peosta)	WS	1,000
Linn Hollow MHP; J.D. and Sue Wollrab (Washington)	WW	2,000
R.V. Hopkins, Inc. (Davenport) INTEREST	AQ	500
# Swine Graphic Enterprises; ADL III Hog Farm (Clarke Co.)	AFO	3,000
# Ionia Pigs, Inc. (Chickasaw Co.)	AFO	3,000
# J.C. Trucking, Inc.; John C. Niebuhr (Blairstown)	AFO	750
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	750
# Winding Creek Coop; Baatz Farm Industries (Lyon Co.)	AFO	2,000
# Cedar Valley Egg Farm (Benton Co.)	AFO	2,000
American Legion – Swisher Post #671 (Swisher)	WS	50

# Galen White Construction Co. (Clay Co.)	AFO	3,000
Asbestos Handlers, Inc. (Dubuque)	AQ	2,300
# Ag Max Partners, L.C. (Hancock Co.)	AFO	3,000
Uthe Development Company, L.L.C. (Ames)	WW	10,000
Artistic Manufacturing Corp. (Altoona)	WW	500
Altoona, City of	WW	2,000
Warren Frozen Foods (Altoona)	WW	2,000
# Leon Triggs (Clay Co.)	AFO	3,000
* Advance Millwork, Inc. (North Liberty)	AQ	500
* Winter Mobile Home Park (New Hampton)	WS	350
* Rimade, Inc. (Manning)	SW/WW	1,000
Postville Farmers Cooperative Society (Damages Claim)	HC	979
Waterford Townhome Assn.; Waterford Develop. (Des Moines)	WW	6,000
Robinson Brothers Environmental, Inc. (Centerville)	AQ	2,000
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	100
Heartland Express, Inc. of Iowa (Coralville)	UT	4,390
John Cox (Pottawattamie Co.)	AQ/SW	1,000
# Dirk Westrum (Hamilton Co.)	AFO	300
Art's Way Manufacturing Co. (Armstrong)	AQ	3,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	1,000
Wunschel Oil, et.al. (Battle Creek)	UT	3,133
<b>TOTAL</b>		<b>71,602</b>

The following SEP payments have been made:

Equity Growth Group, L.L.C. (Bettendorf) to Scott CCB	WW	4,000
Minsa Corporation (Red Oak) to City of Red Oak	WW	5,000
PM Beef Group, LLC (Hartley) to O'Brien CCB	WW	1,020
# Goebel Pumping Service, L.C. (Masonville) to Delaware CCB	AFO	2,000
North Central FS, Inc. (Clarion) to F & W Trust Fund	WW/HC	1,500

The \$500 penalty assessed to Frank Hulshizer (Benton Co.) has been rescinded.

Namem and Region Number	Location,	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Affordable Removal, Inc.;	Asbestos				Referred	3/20/00
Jeffrey Intelkofer		Air Quality	Asbestos	Referred to Attorney General	Petition Filed	4/19/00
Iowa City (6)					Motion for Partial Summary Judgment	2/26/01
					Ruling Denying Motion	4/20/01
					Trial Date	12/09/02
Affordable Removal, Inc.	Asbestos				Petition Filed	12/28/00
Jeffrey Intelkofer		Air Quality	DNR	Defense	Answer	1/18/01
Iowa City (6)			Defendant		Ruling	7/09/01
<b>UPDATED</b>					Defendant's Notice of Appeal	7/30/01
					State's Brief	6/06/02
					Defendant's Brief	6/07/02
Bauer, Michael Davenport (6)	Underground Tank		Site Assessment	Order/Penalty	Referred	2/18/02

Bee Rite Tire Disposal, Inc. Rhodes, State Center (5)	Solid Waste	Solid Violations	Waste	Order/Penalty	Referred	5/20/02
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment		Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP		Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction) Appealed to Supreme Court	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/01 11/19/01 1/09/02
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement		Referred to Attorney General	Referred	2/18/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal		Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit		Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal		Order/Penalty	Referred	5/21/01
Matrix Metal, LLC d/b/a Keokuk Castings Keokuk (6)	Steel Air Quality	Emission Limits		Referred to Attorney General	Referred	1/22/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal		Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits		Order/Penalty	Referred Petition Filed	2/19/01 3/20/02

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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Severson, Dennis d/b/a Huxley Dry Cleaners Huxley (5)	Air Quality	Operational Violations	Order/Penalty	Referred	3/18/02
Sunrise Dairy Farms, LLC Benton Co. (1)	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred Criminal Charges Filed Petition Filed	8/20/01 2/07/02 2/07/02
Thomas, Donald L. and Barbara S. Linn Co.	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review Answer	9/21/01 10/29/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred Petition Filed	7/16/01 1/30/02
Williams Pipeline Company LLC Waterloo/Dubuque/Milford (1, 3)	Air Quality	Construction Without Permit	Order	Referred	7/16/01
Winter Mobile Home Park New Hampton (1) <b>UPDATED</b>	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria	Order/Penalty	Referred Petition Filed Consent Decree (\$1,000/Civil; \$3,500/Admin.; Injunction)	4/16/01 9/17/01 2/12/02
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997, 8606993, 8606996 Clinton (6)	Underground Tank	UST Closure; Site Check	Order/Penalty	Referred	1/22/02
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01

Hearing	4/26/01
Order Granting Partial Summary Judgment	5/09/01
Notice of Appeal	6/07/01
State's Motion to Dismiss	6/18/01
Defendant's Motion to Dismiss	6/19/01
State's Resistance	6/20/01
Defendant's Dismissal of Appeal	7/06/01
Order Denying Defendant's Motion to Dismiss	7/20/01
Contempt Order	2/12/02
Trial Date	6/11/02

Date Rcvd	Name of Case	F. O.	Action Appealed	Program	Assigned to	Status
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Consent order issued 6/19/02. Case closed.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Tire removal completed. Penalty offset by clean-up assistance. Case closed.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations. 3/29/02 – Dept. engineer reviewing information submitted by City. Status report requested.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	1/30/02 Update from Permits engineer further site needs to be approved, more information needed from Company's engineer. 2/27/02 Dept. letter regarding resolution of appeal. 4/02 Letter received from company attorney regarding penalty due. 5/31/02 Dept. letter to company attorney. 6/21/02 Letter from Co. attorney with settlement offer regarding penalty. 6/28/02 Dept. letter accepting penalty offer. Settled. Awaiting penalty payment.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	5/02 – Attorneys contacted. DNR staff reviewing site status.

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1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	2/1/02 – Penalty settlement status request to appellant.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Settled. Case closed.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Hearing set for 7/22/02.
10/12/98	AG Processing (Sergeant Bluff)	3	Permit Exemption Denial	AQ	Preziosi	Hearing set for 7/22/02.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC. 1/30/02 – District court petition filed by AG's office.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	2/19/02 – Option letter sent to Appellant's attorney; withdraw appeal by 3/19/02 or case will be sent to DIA.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/14/02 Amended order. New facilities to be completed this year.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Meeting set for 7/15/02.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settled in concept. Need to finalize.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half – remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.

9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
<b>9/13/99</b>	<b>Eugene P. Reed</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>AFO</b>	<b>Clark</b>	<b>5/9/02 Settlement payment received. Case closed.</b>
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	<b>ALJ decision 2/8/02 affirmed order. No appeal. Awaiting installation of treatment facilities, at which time penalty will be rescinded.</b>
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	2/1/02 – Settlement request to appellant.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Variance until 7/31/02 to test mixed fuel solution.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	AO to be amended and case set for hearing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Variance until 7/31/02 to test mixed fuel solution.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
<b>2/22/00</b>	<b>MINSA Corporation</b>	<b>4</b>	<b>Admin. Order/Penalty</b>	<b>WW</b>	<b>Murphy</b>	<b>6/14/02 SEP paid. Case closed.</b>
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	12/3/01 and 12/13/01 – Dept. letters to City with further comments on facility plan. 1/28/2 – Dept. letter to city with WQ based copper effluent limits. 3/8/02 – City engineer letter concerning resolution of appeal issues and proposing new schedule. Letter being reviewed by WW permits engineer.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	<b>Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 7/02.</b>
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established. 5/02 – First two penalty payments received.

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9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/02 – City/industry progressing with facility improvements.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	<b>Dodgen Industries, Inc.</b>	<b>2</b>	<b>Admin. Order/Penalty</b>	<b>AQ</b>	<b>Preziosi</b>	<b>7/01/02 Penalty payment received. Case closed.</b>
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Default judgment to be entered in favor of Dept. Appeal closed. Penalty due.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	<b>AGP has sold this facility. Checking with new owner regarding interest in appeal issue. Deadline 8/1/02.</b>
11/17/00	<b>Swisher American Legion - #671</b>	<b>6</b>	<b>Admin. Order/Penalty</b>	<b>WS</b>	<b>Tack</b>	<b>Significant improvements installed. Penalty settlement paid. Case closed.</b>
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	11/6/01 Settled. Facility agreed to pay penalty in installments. 11/29/01 First installment of penalty received. 12/31/01 Follow-up letter sent regarding penalty payment due. 1/15/02 2 <sup>nd</sup> penalty payment received. 2/18/02 Penalty payment received. 4/8/02 Follow-up letter sent regarding penalty. 4/24/02 Payment received. 6/16/02 Dept. letter to Co. attorney regarding penalty payment. 6/27/02 payment received.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	<b>Hearing continued indefinitely. Proposed settlement sent 4/25/02.</b>
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Meeting held 5/20/02.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/02 – City/industry progressing with facility improvements.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	1/25/02 Dept. settlement offer to City Attorney. 2/1/02 City Attorney accepted offer. 3/02 Settled. Consent order to be entered into. 7/1/02 Dept. letter with consent order to city attorney.
12/12/00	<b>University of Northern Iowa</b>	<b>1</b>	<b>Permit Denial Modification</b>	<b>AQ</b>	<b>Book</b>	<b>6/02 Letter sent stating appeal closed with applications. Case closed.</b>
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	<b>Hearing held 4/19/02. ALJ affirmed order. No appeal. Letter sent informing him of final decision and penalty payment request.</b>
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.

4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	8/23/01 – WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 – Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision. 5/31/02 – Letter to WS regarding decision to connect to another system or separate into two systems.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	<b>Clean-up underway. Hearing set for 8/5/02.</b>
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Meeting held 5/20/02.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	<b>Compliance achieved. Settlement offer sent 6/25/02.</b>
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	<b>Settlement agreement. Hearing continued.</b>
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Compliance achieved, negotiating penalty pending change in UST fund rule.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	<b>Compliance initiated, penalty settlement pending completion of tank closure.</b>
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	<b>Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance. Midway has failed to sign settlement agreement and is in breach of oral agreement.</b>
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Settlement except for penalty. Hearing indefinitely postponed. Monitor compliance.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close. 4/24/02 – Letter sent.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy. Negotiating with trustee.

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8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Negotiating penalty or SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	<b>4/15/02 - Proposed decision upheld by EPC. Petition for judicial review filed. AG to handle.</b>
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	<b>Hearing continued.</b>
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 – Dept. settlement offer with schedule for improvements. 4/29/02 – Letter received from WS attorney regarding settlement.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City attorney responded to Dept. offer.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	<b>Compliance initiated. Penalty settlement pending completion of Tiered assessment.</b>
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	Compliance achieved except for probationary period.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	<b>Hearing continued. Settlement agreement signed. Resolution of penalty pending completion of site assessment.</b>
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	<b>Hearing held 5/21/02. Case to be held open for 60 days to monitor compliance. Facilities approved 6/13/02.</b>
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	<b>Case to be held open for 60 days to monitor compliance. 6/13/02 Facilities approved.</b>
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/21/01	Altoona, City of	5	Admin. Order/Penalty	WW	Murphy	<b>6/18/02 Settled. Penalty paid. Case closed.</b>
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.

12/26/01	Dean Drees; Rimade, Inc.	4	Permit Revocation	SW	Tack	Permit revocation upheld. Abatement agreement signed. Abatement conducted June 24-30. Case closed.
12/31/01	Heartland Express	6	Order/Penalty	UT	Wornson	Compliance initiated. 6/27/02 Penalty payment received. Case closed.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/04/02	Artistic Manufacturing Corp.	5	Order/Penalty	WW	Murphy	6/18/02 Settled. Penalty paid. Case closed.
1/08/02	Warren Frozen Foods, Inc.	5	Order/Penalty	WW	Murphy	6/18/02 Settled. Penalty paid. Case closed.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues.
1/24/02	Bowlaway Lanes	1	Order/Penalty	WS	Tack	Negotiating before filing.
1/28/02	Ira Community Service Assoc.		Permit Conditions	WS	Hansen	FO5 attempting to resolve appeal directly with WS and operator. 5/31/02 Status report requested from FO5. 6/3/02 Per FO5 settled. Amended permit to be issued by WS section. Case closed.
1/28/02	John Cox	3	Order/Penalty	AQ/SW	Book	Penalty has been paid and tires removed. 5-yr. clean-up plan for RR ties, submitting semi-annual reports to FO.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
1/29/02	Van Meter Development Corp. (Whispering Pines)	5	Order/Penalty	WW	Murphy	Hearing set for 7/29/02.
1/29/02	Advance Millwork of Iowa	6	Order/Penalty	AQ	Book	Settlement reached. Consent amendment signed. Payment plan established. Payments on schedule.
2/06/02	Art's Way Manufacturing	3	Order/Penalty	AQ	Book	Penalty payment received. Case closed.
2/08/02	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing continued to 9/19/02 to allow City to submit updated report to Dept. for review. 7/1/02 Reports not yet submitted.
2/25/02	Lee County	6	Permit Conditions	WW	Hansen	5/31/02 Status report requested from WW permits section. 6/28/02 To be sent to DIA for

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						<b>hearing.</b>
3/13/02	Sapp Bros. Truck Stops, Inc.	4	Order/Penalty	WS	Murphy	Negotiating before filing.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
<b>3/19/02</b>	<b>Asbestos Handlers, Inc.</b>	<b>1</b>	<b>Order/Penalty</b>	<b>AQ</b>	<b>Book</b>	<b>Penalty received 6/13/02. Case closed.</b>
3/20/02	Mike Messerschmidt	6	Order/Penalty	AQ/SW	Book	In the process of finalizing consent amendment.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	City of Ft. Dodge attempting to enroll site in federal clean-up program. Appeal on hold until 10/02.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	<b>4/26/02 Letter sent to company attorney regarding request for stay of order. 5/21/02 Letter received from company attorney. 6/13/02 Dept. settlement response to Co. attorney.</b>
4/17/02	Lawrence Handlos	4	Order/Penalty	AFO	Clark	Negotiating before filing.
4/22/02	Big Rock Country Club	1	Order/Penalty	WS	Tack	Compliance to be reviewed after 8/1/02.
4/23/02	AssaAbloy Door Group, LLC d/b/a Curries Co.	2	Denial of Exemption for Construction Permit	AQ	Book	Facility has until 6/1/02 to decide if they want a hearing.
<b>4/24/02</b>	<b>Robinson Brothers Environmental</b>	<b>5</b>	<b>Order/Penalty</b>	<b>AQ</b>	<b>Book</b>	<b>6/21/02 Penalty received. Case closed.</b>
4/30/02	Dennis Frederickson; Mark Frederickson	4	Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	Negotiating before filing.
5/01/02	Maysville, City of	6	Order/Penalty	WS	Murphy	<b>6/12/02 Settlement offer.</b>
5/02/02	Minden, City of	4	Order/Penalty	WW	Hansen	Amended order to be issued to resolve appeal.
5/02/02	Mid-States Asbestos Removal, Inc. (Sioux City)	3	Order/Penalty	AQ	Book	<b>Consent amendment agreed to with reduced penalty.</b>
5/02/02	Dennis Kruger	2	Order/Penalty	AFO	Murphy	<b>6/26/02 Settlement proposed.</b>
5/03/02	M.A., Inc.; Spring Grove MHP	6	Order/Penalty	WW	Hansen	<b>Hearing set for 7/30/02.</b>
5/03/02	M.A., Inc.; Westside Park for MH	6	Order/Penalty	WW	Hansen	<b>Hearing set for 7/30/02.</b>
5/07/02	Jones County Conservation Board;	1	Order/Penalty	WS	Hansen	Negotiating before filing.

	Central Park					
5/07/02	Goldsmith and Son, Inc.; Goldsmith Trucking	3	Order/Penalty	AQ	Book	<b>Consent amendment agreed to with reduced penalty and stipulated penalty if there are more violations within next 2 years.</b>
<b>5/08/02</b>	<b>North Central FS</b>	<b>2</b>	<b>Order/Penalty</b>	<b>WW/HC</b>	<b>Murphy</b>	<b>6/14/02 SEP payment received. Case closed.</b>
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
5/08/02	Swine Graphics Enterprises, L.P., ADL V Sow Farm	5	Order/Penalty	AFO	Murphy	5/17/02 – Sent to DIA. To be submitted to ALJ by stipulation.
5/09/02	Arthur, City of	3	Order/penalty	WW	Hansen	Negotiating before filing.
5/09/02	Amos Zimmerman d/b/a Cantril Feed & Grain	6	Order/penalty	AQ/SW	Preziosi	Negotiating before filing.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	Negotiating before filing.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	New case.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	New case.
6/03/02	Richard Caves	5	Order/Penalty	HC	Tack	New case.
<b>6/10/02</b>	<b>Dirk L. Westrum</b>	<b>2</b>	<b>Order/Penalty</b>	<b>AFO</b>	<b>Murphy</b>	<b>7/01/02 Penalty payment received. Case closed.</b>
6/11/02	Seymour, City of	5	Order/Penalty	AQ	Preziosi	New case.
6/14/02	Deer Track Subdivision; F & J Enterprises	4	Order/Penalty	WW	Murphy	New case.
6/27/02	Northwest Iowa Solid Waste Agency	3	Stipulated Penalties	SW	Tack	New case.

During the period June 1, 2002 through June 30, 2002, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '01	9(5)	1	.0211	0	0(0)
November '01	4(1)	1	0.00133	2	0(0)
December '01	3(1)	2	3.50002	1	0(0)
January '02	4(5)	1	.007485	1	0(0)

February '02	5(2)	1.2	.012	2	0(0)
March '02	2(10)	1	.000125	0	0(0)
April '02	5(3)	1	0.50215	2	0(0)
May '02	2(10)	5.5	0.052	1	0(0)
June '02	3(6)	1	0.09667	1	0(0)
July '01	6(0)	1.2	0.069	1	0(0)
August '01	9(0)	1.78	.044	0	1(0)
September '01	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,  
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	1	0	0	2

Wayne Gieselman invited the Commissioners to ask any questions they might have.

Kathryn Murphy said it was good to see a good number of contested cases settled.

<b>INFORMATION ONLY</b>
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## **CONTRACT    ADAIR COUNTY CONSERVATION BOARD    NONPOINT SOURCE POLLUTION CONTROL PROJECT**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

Commission approval is requested to enter a three month, \$46,400 contract with the Adair County Conservation Board (CCB) to construct an in-lake structure to protect and improve the water quality of Lake Orient. The Adair County CCB would arrange for the actual construction, the contract is needed to provide the Section 319 funds to the County for this purpose.

Lake Orient is owned by the City of Orient and managed by the Adair CCB. Orient Lake is included on the 303(d) list of impaired waters due to siltation. The lake's designated uses include Class C (potable water source). The proposed structure, designed by NRCS, is a rock dike, approximately 440 ft. by 5 ft., intended to reduce the impacts of both nutrients and sediment to the lake. Contract funds will be used for purchase of the rock and construction of the structure.

Wayne Gieselman said the contract was to be completed by October of 2002 and is designed to help improve the water quality of Orient Lake.

*Motion was made by Rita Venner to approve the contract as presented. Seconded by Jim Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT R W BECK/REED, STOWE & YANKE - FULL-COST ACCOUNTING FEE STRUCTURE STUDY FOR SOLID WASTE FACILITIES PERMITS**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is requested to approve the contract for services between the Department and R.W. Beck/Reed, Stowe & Yanke, to research and design a permit fee system for solid waste management facilities. The contract amount is not to exceed \$55,000 for the period July 2002 through October 2002. This expenditure will result in the development of a draft permit fee system, including:

- An analysis of model permit fee structures and values for solid waste facilities utilized by other states.
- A full-cost accounting analysis of all DNR outlays related to sanitary disposal project permitting.
- Meetings with DNR staff and stakeholders to discuss model permit fee systems based on actual costs and needed services.
- A final report to DNR staff and stakeholders of a model permit fee system that provides a solid basis for future legislative proposals.

**Background**

The Energy & Waste Management Bureau works with a variety of solid waste management facilities including:

- 60 MSW landfills
- 25 C&D, CCR, and industrial monofills
- 48 Closed landfills
- 31 MSW transfer stations
- 19 Land-application permits
- 11 Household hazardous materials collection facilities
- 8 Composting facilities
- 8 Solid waste processing facilities (e.g. dirty MRFs, C&D processors)
- 5 Waste tire processors

During FY99, 12 permits for new facilities were issued and 53 permits were renewed. In FY00, 6 new permits were issued and 49 SDP permits were renewed.

The Bureau is committed to improving the quality and environmental performance of sanitary disposal projects in Iowa. A revised permit fee structure would help the Bureau improve the

quality and effectiveness of its permitting, regulatory, compliance assistance and inspection services.

Currently, the primary funding for these activities is derived from the state's solid waste tonnage fee, which is applied to each ton of solid waste landfilled in Iowa. Ultimately, the Bureau does not believe that this is a proper fee structure. It is not proper because it requires more garbage to be landfilled in Iowa in order to fund new activities or expansion of services needed to oversee and assist SDPs. Furthermore funding for all of the Bureau's SDP activities comes solely from customers of MSW landfills, and not from any of the nearly 200 other SDPs.

The Bureau believes that an improved permit fee structure would provide the funding necessary to improve the environmental performance of SDPs and potentially assist with implementing state policy initiatives. The purpose of this RFP is to provide a sound and objective basis for a new and improved SDP permit fee and funding structure for the Bureau so that we can better carry out our statutory obligations.

### **Contractor Selection**

The Bureau mailed copies of the RFP to consultants on our mailing list, made the RFP available on our web site, and advertised the RFP in three successive issues of Waste News, a national publication. Three proposals were received. A review team consisting of four Bureau staff reviewed the proposals on a number of criteria, including previous experience, quality of the work-plan, budget, and references.

After reviewing the proposals, the review committee selected a joint proposal from R.W. Beck and Reed, Stowe & Yankee. The reasons for the selection were the firm's excellent previous experience on related projects, the expertise of their combined staff, the quality of their work-plan, and excellent reviews from other clients including the IDNR. A table detailing the reviewer's scores is given below.

	<b>Reviewer 1</b>	<b>Reviewer 2</b>	<b>Reviewer 3</b>	<b>Reviewer 4</b>	<b>Avg. Score (100 max)</b>
<b>Beck/Reed</b>	97	91	87	91	<b>91.50</b>
<b>DSM Env</b>	77	76	78	92	<b>80.75</b>
<b>Tetra Tech</b>	67	56	51	76	<b>62.50</b>

No general fund monies will be used to meet these obligations.

At this time, the Department requests Commission approval to enter a contract with R.W. Beck/Reed, Stowe & Yankee for the permit fee funding structure and values analysis.

Jeff Myrom, Executive Officer in Energy and Waste Management Bureau briefed the Commission on the contract.

Kathryn Murphy commented that the proposed recipient of the contract scored a good deal higher than the others who submitted proposals.

Jeff Myrom said the Department had worked with this company in the past and had been happy with their work, they also had a lot of experience that meshed well with what the Department was looking for.

Gary Priebe asked if the period of July through October would be sufficient to do the study.

Jeff Myrom said this would be made a high priority in order to complete it on time.

*Motion was made by Kelly Tobin to approve the contract as presented. Seconded by Gary Priebe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **FINAL RULE - CHAPTER 64, WASTEWATER CONSTRUCTION AND OPERATION PERMITS**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

Commission approval of a final rule adopting revisions to Chapter 64 will be requested. The current General Permits 1, 2 and 3 expire in October 2002 and this action will renew them for another five years (general permits can only be issued for a period of five years).

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 15, 2002. No comments were received during the comment period or at the public hearing on June 4, 2002 and the proposed final rule is the same as published in the NOIA.

(A copy of the final rule is available in the Department's Record Center.)

Wayne Gieselman said this rule is to renew three general permits that the Department has for various types of storm water runoff permits for a period of five years.

Gary Priebe asked why there was a time limit of five years.

Wayne Gieselman said that Federal statute requires the limit.

*Motion was made by Gary Priebe to approve the final rule as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE CHAPTER 107, BEVERAGE CONTAINER DEPOSITS (ATTORNEY GENERAL'S OPINION)**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

At its March 2002 meeting, the EPC approved as a final rule the proposed changes to Chapter 107, "Beverage Container Deposits." The Administrative Rules Review Committee (ARRC), at its May meeting, voted to delay the effective date of the rules for 70 days in response to objections raised by the Iowa Grocers Industry Association that the Department had exceeded its statutory authority in four specific areas of the proposed rulemaking. The ARRC delayed the rules in order to request an opinion from the Attorney General's Office on this matter. The opinion was issued on July 8<sup>th</sup> and declared the Department had exceeded its authority in three of the four points.

The conclusion upheld the following as being within the Department's statutory authority:

- ◆ 107.4(3)(d) and 107.4(4) wherein redemption centers can be "approved" without the designation of a dealer to be served by the redemption center.

The three conclusions that were determined to go beyond authority provided in the statute and their impact on the proposed rulemaking are:

- ◆ 107.9(2) meaning distributors can not be required to pick up cans and bottles from dealer agents;
- ◆ 107.9(3) meaning distributors can only be required to pick up from redemption centers who have an agreement with a dealer served by a distributor;
- ◆ 107.14 meaning distributors can not be required to pay dealer agents within one week of pick up because distributors can not be required to pick up from dealer agents.

Because this opinion was received the day prior to ARRC's July meeting, the committee voted to exercise a "session delay" (only option they had outside of approving) whereby the effective date of the rule could be delayed until the adjournment of the next Legislative session. This delay is to allow the ARRC and its counsel to review the Attorney General's opinion with the intent of placing the rule on its August agenda. This will also provide time for the Department to meet with the Iowa Grocers Industry Association and try to resolve some of the outstanding issues.

(A copy of the of the Attorney General's opinion are available in the Department's Record Center.)

Jon Tack distributed a copy of the Attorney General's opinion. He said the Attorney General ruled that unless a redemption center has a contract with a grocery store or a dealer the distributor is under no obligation to pick up from them. Due to the fact that most redemption centers do not have contracts with grocery stores or other dealers the Department is attempting to develop a compromise with the grocers industry. The Department has put together some draft rules that will deal with this issue and allow for continuation of pick up. Copies of the draft rules have been sent to the redemption centers and the Grocers Association. The Department has heard back from the Grocers Association who appear to be willing to work with the Department

and have expressed the desire for clear limits. It is the hope of the Department to have the rules ready to be brought before the Commission in September.

<b>INFORMATION ONLY</b>
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**PROPOSED RULE CHAPTER 103, "SANITARY LANDFILLS" (RESCISSION)  
CHAPTER 103, SANITARY LANDFILLS: COAL COMBUSTION RESIDUE ;  
CHAPTER 112, SANITARY LANDFILLS: BIOSOLIDS MONOFILLS ; CHAPTER 113,  
SANITARY LANDFILLS: MUNICIPAL SOLID WASTE ; CHAPTER 114, SANITARY  
LANDFILLS: CONSTRUCTION & DEMOLITION WASTES ; AND CHAPTER 115,  
SANITARY LANDFILLS: INDUSTRIAL MONOFILLS (NEW) CHAPTER 102,  
PERMITS; AND CHAPTER 110, DESIGN, CONSTRUCTION AND OPERATION  
STANDARDS FOR SOLID WASTE MANAGEMENT FACILITIES (REVISION)**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is provided the attached proposed Notice of Intended Action for the rulemaking described therein. This rulemaking will be presented to the Commission at its November 2002 meeting for approval. The rulemaking and rationale supporting these proposed revisions are described as follows.

The Energy and Waste Management Bureau's administrative rules for sanitary landfills affect a multitude of stakeholders and are some of the most complex rules overseen by the department. Sanitary landfills include municipal solid waste (MSW) landfills, construction & demolition waste landfills, industrial monofills, coal combustion residue landfills, and municipal sewage sludge (i.e. biosolids) landfills. These sanitary landfills are currently regulated by IAC Chapters 102 (Permits), 103 (Sanitary Landfills), and 110 (Design, Construction And Operation Standards For Solid Waste Management Facilities).

As directed by the Governor's Executive Order No. 8, the Bureau will be revising the rules pertaining to the permitting, design and operation of all sanitary landfills. The Bureau and the Iowa Society of Solid Waste Operations (ISOSWO) do not believe that the sanitary landfill chapters can successfully be revised if taken on in whole due to the large number of stakeholders and the variety of sanitary landfills covered by the current IAC Chapters 102, 103, and 110. Therefore, the first stage in the landfill chapter revision process is to break out the current requirements by landfill type without making any changes to actual rule requirements. In other words, 'cut-and-paste' current chapters 102, 103, and 110 into the following new administrative code chapters:

**103, Sanitary Landfills: Coal Combustion Residue  
112, Sanitary Landfills: Biosolids Monofills  
113, Sanitary Landfills: Municipal Solid Waste  
114, Sanitary Landfills: Construction & Demolition Wastes**

**115, Sanitary Landfills: Industrial Monofills**

No rule requirements will be changed during this transition. Current rules will merely be copied into the new chapters as they apply. To help stakeholders follow where the rules in new IAC Chapters 103, 112, 113, 114, and 115 came from, a guidance document has been compiled and is attached for the Commission's information.

As part of this rulemaking, current Chapter 110, "Design, Construction and Operation Standards For Solid Waste Management Facilities" will be renamed to Chapter 110, "Hydrogeologic Investigation and Monitoring Requirements" which is a more accurate description of the regulatory requirements described therein. The rulemaking also corrects and updates several references in these chapters, and removes references that are no longer applicable. In addition, references to the chapters described herein contained in other solid waste related rules are revised to reflect this rulemaking. Again, these changes and revisions do not affect or change any of the current regulatory requirements, and the Energy & Waste Management Bureau believes they are the minimum administrative code editing changes necessary.

Please note that since the actual entire rulemaking is over 250 pages, the attached Notice of Intended Action is simply a summary of the proposed rulemaking. The entire rulemaking package will be available at the Commission meeting.

(A copy of the summary of the Proposed Rule is available in the Department's Record Center.)

Jeff Myrom said this was the first phase of a rules revision, which involves no changes in the actual rules. Because there are so many different types of landfills the Department and stakeholders felt it was important to separate the rules by landfill type. The next step will be to put together advisory stakeholders groups for each type of landfill.

<b>INFORMATION ONLY</b>
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Wayne Gieselman introduced Reza Khosravi, the acting supervisor for the livestock section.

**EMERGENCY RULE -- CHAPTER 117, WASTE TIRE MANAGEMENT (REVISION)**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is requested to approve the attached amendments as final rules for emergency filing.

On April 15, 2002, the Commission approved the final rule for Chapter 117 "Waste Tire Management." The rule, developed in conjunction with an advisory committee and under authority granted in Code of Iowa section 455D.7(1), provides guidelines for the permitting of waste tire storage and processing sites, as well as defining beneficial uses for waste tires.

At the June 11, 2002 meeting of the Administrative Rules Review Committee (ARRC), the committee reviewed Chapter 117 "Waste Tire Management" as a final rule. At that time, committee members expressed their concerns with rule references regarding the prohibition of open burning within 300 feet of any tire pile. ARRC believed that unintentional consequences of this prohibition could affect landowners located adjacent to a permitted waste tire facility in the event that property boundaries are within 300 feet of a tire pile as stipulated in the rule. This would place undue property restrictions on the neighboring landowners. References to the 300 feet burning prohibition are contained in 117.4(3)a.(15), 117.4(3)b.(5), and 117.6(2)c.

It is not the department's intention or is it within the authority granted in the enabling statute to impose restrictions on adjacent landowners where their activities are not directly regulated by the department. Notwithstanding any restrictions in other applicable state and local regulations, the department is proposing to delete references to the 300 feet burning prohibition, and in lieu of, add the following restrictions:

- No open burning of any type shall be allowed at a permitted stockpile site.
- All fueling of vehicles and equipment, and any other work or activity at a permitted stockpile site that may release sparks or flame, shall be conducted at least 50 feet from any tire storage area.
- Signs shall be posted every 100 feet on site, placed for visibility of personnel on site, that state – "Open burning on site prohibited".
- The perimeter of the site shall be posted with signs every 100 feet placed for visibility to those off site, that state – "Highly flammable materials on site. Burning in area not recommended."

These amendments will meet the original intent of the rule to minimize fire risks at a permitted tire site. Secondly, with signage on the perimeter of the property, neighboring landowners will be advised that burning in the area is not recommended.

Wayne Gieselman said these revisions are being made in response to some concerns from the Administrative Rules Review Committee.

Jeff Myrom briefed the Commission on the changes made by this emergency rule.

Gary Priebe asked if there was a need for signs being posted every 100 feet on site in addition to posting at the gate that no burning is allowed.

Jeff Myrom said the Department would prefer to err on the side of caution.

Darrell Hanson asked if the signs on site are every one hundred feet as it lay on a grid.

Jeff Myrom said he believed that the rule's intention is to have the signs on site every one hundred feet on the fence line.

*Motion was made by Gary Priebe to approve the emergency rule as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **REFERRAL TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief of the Compliance and Enforcement Bureau presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

#### **Kline Brothers Feedyard [Harrison County] animal feeding operation.**

Mike Murphy said that the Department had reached an Administrative Settlement with Kline Brothers Feedyard and would therefore be withdrawing their request for referral.

**WITHDRAWN**

#### **Marvin Oberly [Des Moines County] water quality/penalty collection**

Mike Murphy said that Marvin Oberly runs a salvage yard in the Burlington area, which is required to obtain storm water permits. After unsuccessful attempts of bringing Mr. Oberly into compliance failed an administrative order was issued in April of 2001. Although Mr. Oberly did not appeal the administrative order he has not paid the penalty nor has he obtained the permit. The Department is requesting referral to obtain an injunction to require him to obtain a permit, pay the administrative penalty plus interest and to obtain additional civil penalties.

*Motion was made by Darrell Hanson to refer Marvin Oberly to the Attorney General. Seconded by Terry Townsend. Motion carried unanimously.*

**REFERRED**

**PROPOSED RULE-CHAPTER 28- AMBIENT AIR QUALITY STANDARDS (SAMPLING MANUAL)**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve a Notice of Intended Action at the August 19, 2002, EPC meeting, to proceed with rulemaking for an Ambient Air Sampling Manual.

This proposed rulemaking would establish an Ambient Air Sampling Manual that will be referenced in Chapter 28 of Iowa Administrative Code [567]. This manual will contain data handling procedures, quality assurance requirements, performance specifications, acceptable monitoring equipment, and acceptable methods for determining compliance with hydrogen sulfide and ammonia standards after December 1, 2004.

A Technical Advisory Group consisting of stakeholders and experts in the field of ambient air monitoring was formed to assist with determining monitoring instrumentation and methodology for the confined animal feeding operations (CAFO) comprehensive field study mandated in 455B.166. The group meetings provided attendees a chance to offer recommendations and to suggest alternative methods or approaches to the department.

The first Technical Advisory Group meeting was held on June 11<sup>th</sup> at the Air Quality Bureau. The department made its recommendation on monitoring methodology, based on the methods most often used in regulatory applications in other states. It also presented an analysis of hydrogen sulfide and ammonia data from a large confined animal feeding operation in Missouri that suggested that random spot checks with portable monitors were unlikely to measure exceedances of the Iowa's proposed health standards, and that long-term fixed sites are needed. This presentation was followed by discussions on the state of the art of hydrogen sulfide and ammonia monitoring methods. The discussions included comments and recommendations regarding fixed versus portable monitoring strategies and potential issues related to the accuracy of measurements made with portable monitors.

A second Technical Advisory Group meeting was held on June 25<sup>th</sup>, also at the Air Quality Bureau. . The presentation and subsequent discussion was primarily focused on how to best meet the intent and requirements of the mandated field study with the limited time and resources that have been provided, and where the department will be locating monitors during the field study. The department presented its monitoring objectives and siting strategy for the CAFO field study. The department recommended siting six fixed monitoring sites for hydrogen sulfide and ammonia near the largest CAFO's. In addition, the department proposed that odor measurements would be taken by field office staff during annual CAFO inspections. Staffing for these efforts would be obtained from the fees established under 455B.166 with equipment costs paid through the state infrastructure fund. Certain members of the group suggested placing multiple monitors at a single property near a CAFO, in order to accurately determine how the plume disperses as it moves downwind, or to inter-compare different types of monitors. Other members suggested that the available monitors be spread out to as many different sites as possible, in order to include as many different types of animals and manure storage structures as possible. The group considered various reasons for siting a monitor in a particular location,

including high estimated pollutant concentrations, citizen complaints, health data showing areas where high rates of illness occur, or high readings with portable survey monitors. The proximity of monitoring sites to confined animal feeding operations (CAFO's) was also discussed. Certain members felt that all monitoring sites off CAFO property were acceptable, where others expressed the opinion that monitoring sites closer than the separation distance required at the time of CAFO construction were not consistent with 455B.166. Discussion concerning odor measurement, including a presentation on olfactometry, and further discussions on alternative methods for the measurement of hydrogen sulfide and ammonia, were also conducted. Recommendations and suggestions received from the Technical Advisory Group during both meetings will be incorporated into the manual as applicable and appropriate.

The Environmental Protection Commission has statutory authority to establish ambient air quality standards and emissions standards on the basis of providing air quality necessary to protect the public health and welfare pursuant to 455B.133(3), 455B.133(4).

**Appointment: Uetz, Bob (Ambient Air Quality Rules)**

Bob Uetz, Chairman of Iowa Citizens for Community Improvement (Iowa CCI) said this was a public health issue of great importance to people all over the state. He said while the Department of Natural Resources have taken some positive steps forward he is concerned that politics are being placed above public health and it is his hope that the Department will move forward in at least the following four areas. First of all the University study that was completed in January says, "The study group recommends that ambient air quality standards be developed to regulate the concentration of hydrogen sulfide, ammonia, and odor and they have reached consensus that the measurements should taken at the concentrated animal feeding operation, at the property line, and at the residence or public use area." Therefore just measuring at the residence is not adequate. Second, he said they hope the Department is prepared to move on odor standards as well as ammonia and hydrogen sulfide. The study states "By consensus of the entire group, the following substances shall be considered for regulatory action: 1. Hydrogen sulfide; 2. Ammonia; and 3. Odors." Thirdly, he said it is the hope of Iowa CCI that the Department is prepared to use mobile as well as stationary monitoring equipment because the mobile units are about 1/10 of the cost and because although there is a need for the data that will come from stationary monitoring there is also need for monitoring at numerous sites. Fourth, he said there is a need for immediate enforcement, this is a public health issue. At the site currently being monitored in Hamilton County there have been 15 standards violations registered since late April.

Gary Priebe asked Mr. Uetz why Iowa CCI was only targeting confined animal feeding operations. He asked why they did not include municipal solid waste treatment plants or industry.

Mr. Uetz said they were a grassroots citizen's organization so they take up the complaints brought to them by their members.

Gary Priebe asked if a municipality is unable to clean up their odor how could they expect the farmer to do this just by passing a rule.

Bob Uetz said there were other methods of raising livestock. Despite what the industry has advocated for a long time the confined feeding operation is not the most economically viable method because the only way it works economically is if society is willing to pay the social and environmental costs.

Lisa Davis Cook said she believed that the rules they are currently dealing with are directly related to the Legislation that has been passed, which indicate what the Department can and cannot do. She said according to the information she received the Department has omitted the fence line standard recommended by the university study because it was precluded by legislation. In addition the Legislation mandates that enforcement could not take place until 2004. She asked Mr. Uetz if he was recommending that the Department go against current legislation.

Bob Uetz said it is their hope that the Department would make it clear to the Legislators what laws are needed. He said it was Iowa CCI's belief that the Department had the ability to set air quality standards prior to the legislation but are now unable to for another two or three years, so they feel the legislation was a step backwards.

Director Jeff Vonk said the Department does have the authority to establish standards immediately and can work with the producers toward compliance. He said the legislation allows the Department to work with experts in the monitoring field to develop a monitoring program that will help them document and develop a program that will be essential for them when they move into the enforcement mode. He said he continues to believe that SF2293 is landmark legislation that is very comprehensive and provides clear guidance to the Department as to what direction to take.

#### **Appointment Dwaine Bundy (Ambient Air Quality Rules)**

Dr. Dwaine Bundy, from Iowa State University said the maximum concentration that is being proposed is 15 ppb for hydrogen sulfide and 150 ppb for ammonia at the residence or public use area. These limits were based on the assumption that both hydrogen sulfide and ammonia would be present at equal toxic levels. The simultaneous exposure to two toxic gases at the same time is referred to as a binary exposure. The proposed limits for the residence and public use areas uses the EPA approach to dealing with the binary exposure, which is simply to halve the maximum limits for intermediate and chronic exposure for the each of the toxic substances individually. He said he believed that the method used by OSHA, which involves a simple calculation, would be the more appropriate method because some livestock and poultry management systems may generate more of one toxic gas and essentially none of the other. He said the implementation of regulations that supersede science serves no useful purpose and may affect the Iowa consumer with higher prices at the grocery store.

(A written copy of Dr. Bundy's complete statement is available in the Department's Record Center.)

Darrell Hanson said the effect of the binary formula would be to allow compliance with one substance to offset noncompliance with the another.

Dr. Bundy said if only one substance is present the standard would be higher because combined gases increase the risk.

Jim Braun asked why Dr. Bundy had not issued a minority report if he was in disagreement with the university study.

Dr. Bundy said the reason he was there to present this information was because although the word 'binary' was in the executive report, there was not an explanation as to what it meant.

Jim Braun asked if Dr. Bundy felt that the standards should be based on the criteria outlined in the report.

Dr. Bundy said he did feel it should be used, however the DNR had been given \$500,000 to conduct additional research. He said he felt this was something they should look at because the study group did not have the information available to them when they were doing their review.

Darrell Hanson asked Dr. Bundy to give the Commission a quick summary about what is actually known to be occurring downwind of the confined feeding operations.

Dr. Bundy said at the residence, according to the data he has taken on swine facilities, there have been no violations. He said the real issue in his opinion would be odor not ammonia or hydrogen sulfide, because there is very little correlation between hydrogen sulfide and ammonia and odor generation.

Lisa Davis Cook asked Dr. Bundy if he was representing Iowa State University.

Dr. Bundy said he was representing himself but he had sent a copy of his findings to a colleague at the University of Iowa and to the Dean of Iowa State.

Jim Braun asked Dr. Bundy about his statement of finding little or no violations.

Dr. Bundy said that with a facility measuring 300 feet by 300 feet a residence located to the facility's north would be the worse case scenario in terms of any exposure to substances coming from that facility moving downwind. The amount time that that residence would be exposed to the plume of the facility would be less than seven days.

Jim Braun asked if he was using stationary monitors.

Dr. Bundy said they were not at this point but they did measure from as early as 5 in the morning until as late as 10 at night.

#### **Appointment Hill, Craig (Ambient Air Quality Rules)**

Craig Hill, a Warren County grain and livestock producer and the vice president of the Iowa Farm Bureau Federation, said he was there representing the Responsible Air Quality Coalition. He said they question whether the Department of Natural Resources has the legal authority to

move forward with this rulemaking prior to conducting a field study that would show excessive hydrogen sulfide and ammonia emission levels from an animal feeding operation are present at a residence, church, business or school. He said a few of the significant problems with this proposed rule are as follows. First the definition of "community oriented monitoring site" is misleading and inconsistent with SF 2293. The proposed definition allows the measurements to be taken any place on the property, not the "separated location." This new definition exceeds its statutory authority and will create inconsistencies when enforcing the standards. Second, the definition of the "separated location" is different from the legislature's definition. The legislation allows several exemptions from the separation distances, which are not in the rule such as the exemption of small livestock operations under 500 animal units. Nor does it address the waiver of separation distances by a neighbor. Third the definition of ambient air quality standards is inconsistent with SF2293 because ambient air is defined as "that portion of the atmosphere, external to buildings, to which the general public has access." SF2293 sets the standard at the separated location, not the property line. Finally the department has strayed significantly from the numeric standards set forth in the university report. The recommendation was to establish a violation by a confined animal feeding operation (CAFO) after the 8<sup>th</sup> exceedance, the proposed rule sets a violation by a CAFO after the cumulative effect of sources causes an 8<sup>th</sup> exceedance. The second variation from the university report involves the binary numbers referred to by Dr. Bundy. He asked that the Commission direct the Department to redraft the rule addressing at least the above concerns.

(A printed copy of Craig Hill's complete statement is available in the Department's Record Center.)

Lisa Davis Cook asked Craig Hill what the Iowa Farm Bureau Federation's stance on SF2293 was.

Craig Hill said they supported the final version. They were concerned however that this legislation came about through somewhat of a secretive process. The Farm Bureau Federation was not included in the meetings so they were not aware of what was being proposed until the final days.

Darrell Hanson said he believed that the issue of ambient versus emission standards is a significant one because there is a substantive difference as to how the standard will be applied. As an emission standard the operation would have to exceed the standards eight times. He said there are some very powerful arguments for enacting these as ambient standards but a disadvantage would be that a producer could be in violation after one exceedance if the neighbors have exceeded it seven times. He said he felt that was an issue because if we are asking producers to obey the law they should have some ability to predict what activities are going to put them in violation of those laws.

Catharine Fitzsimmons distributed a copy of the Draft Ambient Air Sampling Manual and an update on the confined animal feeding operation field study. She said Jim McGraw would be presenting the item.

Jim McGraw said the manual would contain the data handling procedures, quality assurance requirements, performance specifications, acceptable monitoring equipment, and the acceptable methods that will be used for determining compliance with the proposed hydrogen sulfide and ammonia standards after December 1, 2004. He said the Department held two technical advisory group meetings during the month of June and has incorporated the recommendations and suggestions that were obtained in these meetings into the manual as was appropriate.

Kelly Tobin asked for further explanation on the plans to train local operators to take odor measurements.

Jim McGraw said at this time they would not be including any methodology or requirements for odor in the sampling manual. Therefore that issue would only pertain to the field studies update. The current plan for this is to train the new full time employees that will be working in the field offices to take odor measurements when they are out performing their normal compliance inspections.

Darrell Hanson said since the standards would not be enforced at the property line, how would the method of measurement determine source.

Jim McGraw said that they would be less concerned with source culpability until after the proposed number of exceedances has occurred. After that happens they will do a totally different analysis to determine source.

Director Vonk said the legislation states that the measurements will be taken at the separated location, however, once exceedances are found measurements would be taken at the property line to determine culpability.

Lisa Davis Cook asked what the significance of the number eight was.

Catharine Fitzsimmons said it based on information obtained from the university study. However because the Department believes this to be a health issue, if a monitor is ringed by five facilities they do not believe that there should be up to 35 exceedances allowed before a violation of one facility is found.

Lisa Davis Cook asked what would happen if one of the first seven exceedance was excessive.

Catharine Fitzsimmons said there is a portion of the rules that allows the establishment of emergency levels.

Jim Braun asked Catharine Fitzsimmons what her thoughts were with regard to seven exceedances coming from different sources.

Catharine Fitzsimmons said the question to be answered is, 'how many times is a person exposed too much.' The Department believes that the University study did not address that issue because they were addressing the impact of an individual producer on an individual person and they found that seven exceedances could be allowed before there would be a violation of the ambient

standard. She said this is where you need to go back to emission standards versus ambient standards. Ambient standards say that the air in a certain area has triggered a health impact that is no longer acceptable. It does not look at who did it. Then it becomes the State's responsibility to go back and do an investigation as to the source of the exceedances. During the investigation the Department looks at a long term average of what the wind direction is likely to be and try to predict in the future how many times it is likely to happen. They then craft the control strategies for those individual circumstances.

Jim McGraw said enforcement would occur for emission standard violations not for ambient air quality standard exceedances.

<b>INFORMATION ONLY</b>
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**NOTICE OF INTENDED ACTION - CHAPTER 20 SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE AND CHAPTER 28 AMBIENT AIR QUALITY STANDARDS**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The attached Notice of Intended Action to amend Chapter 20 "Scope of Title-Definitions-Forms-Rules of Practice," and Chapter 28 "Ambient Air Quality Standards" of the Iowa Administrative Code [567] is being presented to the Environmental Protection Commission. Approval to proceed with rulemaking activities is requested.

In February 2002, in response to a request by Governor Tom Vilsack, Iowa State University and the University of Iowa Study Group issued a report, the Iowa Concentrated Animal Feeding Operations Air Quality Study, recommending that health standards for hydrogen sulfide, ammonia, and feedlot odors be established to protect the health of rural Iowans living near confinement feeding operations. In the final days of the 2002 legislature, a bill (SF 2293), was passed that creates a new section of the Iowa Code, 455B.166, that clarifies the department's ability to establish these standards.

This proposed rulemaking would establish ambient air quality standards for hydrogen sulfide and ammonia. These rules are intended to establish the ambient air quality standards recommended in the Iowa Concentrated Animal Feeding Operations Air Quality Study to the extent that they are consistent with the intent of the new legislation.

The Environmental Protection Commission has statutory authority to establish ambient air quality standards and emissions standards on the basis of providing air quality necessary to protect the public health and welfare pursuant to 455B.133(3) and 455B.133(4).

Public hearings on the proposed rules will be held at the following locations: Spencer, Mason City, Atlantic, and Des Moines. Specific locations, dates, and times are provided in the proposed rules.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Jim McGraw, Interim Program Development Section Supervisor informed the Commission that the hearing dates that were published in the original notice of intended action that was sent out to the Commissioners have been changed due to the change in the Environmental Protection Commission meeting date. He distributed a corrected copy of the item. He briefed the Commission on the proposed amendment to the rules. He said odor standards are not being included at this time due to a lack of agreement in the university study regarding levels or commonly known causes and material and verifiable adverse health effect. There will be an information meeting and four public hearings during September and early October. For those who are unable to attend the information meeting there will be brief informational sessions prior to each public hearing. He said they expect to have the responses to all public comment assembled by early November and plan to allow everyone who submitted a comment to review and make additional comments on their draft responses prior to the finalization of the rule. He said the issue of the binary concept that Dr. Bundy referred to came up during their second technical advisory group meeting and was referred to in the university study. He said although its use is possible, it is not immediately clear whether it would be the best method.

Terry Townsend asked if an odor standard would be added in the future.

Wayne Gieselman said that DNR staff would be taking odor measurements using a scentometer during this study and as part normal field office activities. The data collected will be recorded, but whether or not it will lead to an odor standard is undetermined.

Lengthy discussion followed regarding the binary equation and the variances from the original university study recommendations.

*Motion was made by Rita Venner to approve the notice of intended action as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

### **Carney, Sam (Interim Matrix)**

Sam Carney, from the Iowa Pork Producers Board said he would like to address three issues. The first is the implementation on the interim matrix. He said his organization feel that they were misinformed by DNR concerning who the interim matrix would apply to when they made a public presentation complete with a PowerPoint slide show with regard to their proposed rules. His organization contacted the Attorney General's office and learned that they had not been informed of the Department's previous public presentations prior to issuing an interpretation on this issue. The second issue is that the Department's definition of the "critical public area" in the interim matrix is an oversimplification, which includes every state or county owned park. He said his organization believes that if the legislature wished to included all state and county

owned parks then it would have been clearly defined in SF2293. Their final concern is that the Department has made no provisions in the interim matrix for producers who have obtained written waivers from the nearest residence.

Darrell Hanson asked what the dispute was as to whom the interim matrix would apply to.

Sam Carney said that according to the DNR power point presentation "Permit applications submitted prior to enactment of the Interim Matrix will comply with 'old' permitting requirements."

Lisa Davis Cook asked if his organization believed that the Department should choose which state or county parks are more important than others.

Sam Carney asked Eldon McAfee, Legal Council for the Iowa Pork Producers Association to answer her question.

#### **McAfee, Eldon (Interim Matrix)**

Eldon McAfee said Senate File 2293 establishes two criteria for the definition of a "Critical Public Area." They are areas, such as parks, etc, that have unique scenic, cultural, archaeological, scientific, or historic significance or contains a rare or valuable ecological system. He said they believe that the legislature intended the critical public areas to be more than every one of the state and county parks.

Rita Venner said she had attended one of the meetings referred to and that she said she came away from it thinking that the meeting had been held prematurely as the interpretation of the legislation had not yet been done. In addition the presenters made it clear numerous times that the information given was dependent upon interpretation.

Eldon McAfee said on April 25, the Department made a PowerPoint presentation and it was based on that presentation that Iowa Pork Producers Association informed their members. The issue at hand is whether the interim matrix would be applied to applications received but not yet processed prior to the date that the notice was published in the Administrative Bulletin.

#### **EMERGENCY RULE AND NOTICE OF INTENDED ACTION      CHAPTER 65   ANIMAL FEEDING OPERATIONS (INTERIM MATRIX)**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is requested to approve the interim matrix and new definitions, as outlined in Senate File 2293, passed by the 2002 Iowa legislative body. The department is requesting the Commission's permission utilize a "double-barrel" approach, meaning that both emergency rule making and regular rule making processes will be implemented simultaneously. The department is utilizing emergency rule making to implement the interim matrix as soon as possible, and the regular rule making process to allow for public comment.

The interim matrix, as defined in SF 2293, is a rating system whereby proposed livestock confinement operations are evaluated on their site location, socio-economic factors and implementation of “good neighbor” best management practices. The interim matrix, as implemented in the attached “Adopted and Filed Emergency” document, will be in effect from July 23, 2002 to March 1, 2003, when a master matrix will become effective. The master matrix is being created by a committee of ten representatives of various environmental and agricultural groups, as designated in the legislation.

(A copy of the rule and the interim matrix are available in the Department’s Record Center.)

Wayne Gieselman said he would have Robin Puisner present this item to the Commission but he would first like to respond to the comments made by the representatives of the Iowa Pork Producers Association. He said on the 25<sup>th</sup> of April a presentation was made to a group of people in the construction industry who would be affected by the new rules however it was made clear during the presentation that the Department was still working on the interpretation of the legislation.

Robin Puisner said there is a lot of misunderstanding and confusion about the interim matrix and the master matrix, so she would like to take a few minutes to clarify a few of them. Senate file 2293 set up a group of ten representatives to develop a master matrix that will be put into effect on March 1, 2003. The master matrix will be a set of criteria that will be applied by the County Board of Supervisors to evaluate proposed confinement facilities that are large enough to require a construction permit. If a county board of supervisors elects to use the master matrix a proposed facility will need to score a minimum number of points on the master matrix in order to be able to build. All facilities will still need to meet the Department’s minimum requirements but the master matrix will be a way to encourage producers to go above and beyond minimum requirements. Senate File 2293 also outlined an interim matrix to be put in effect until March 1, 2003. The interim matrix will be applied by the Department of Natural Resources to all proposed facilities that are under review on or came in after July 10. The proposed facilities have to score a minimum of 100 points before they can obtain a permit to build.

She distributed an updated copy of the rules and the interim matrix. She said the gray boxes in the interim matrix are the Department’s clarifications to what was in SF 2293, which will allow the interim matrix to be applied consistently to all proposed facilities. As required by statute, the Department published a notice in the Administrative Bulletin on July 10, that they would begin using the interim matrix, but because of the clarifications that were added the Department is also proceeding with rulemaking to adopt those changes.

Robin Puisner said the criteria for a ‘Critical Public Use Area’ as defined by statute is that it must be owned or managed by a government entity and it must contain unique scenic, cultural, archaeological, scientific, or historic significance or a rare or valuable ecological system. She said the Department approached the listing of areas that would be referred to as critical public uses areas by referencing lists of public areas already listed somewhere in the Departmental rules. These included state wildlife refuges, recreation areas, state parks, state preserves, county parks, national wildlife refuges, national monuments, national historic sites, and parks under the jurisdiction of U.S. Army Corps of Engineers. She said the Department chose to reference these

lists because to try to pick and choose as to which of them count as a critical public area it would have to be opened up to public input which would cause further delay of the implementation of the interim matrix. To refine this list in the future she said she plans to bring before the Commission in August a rulemaking that will create an 'open enrollment period' on a yearly basis where any concerned party can petition to add or remove an area from the list. In addition to the open enrollment period she will be suggesting a rulemaking that would require the boards of supervisors to opt in or out of using the matrix for a year at a time in 2003 and 2004 and a two-year period beginning January 2005. This would allow the matrix to be applied consistently.

Brief discussion followed.

*Motion was made by Lisa Davis Cook to approve the emergency rule and notice of intended action as presented. Seconded by Darrell Hanson. Approved as presented.*

**APPROVED AS PRESENTED**

#### **DENIAL OF PETITION FOR RULE MAKING IOWA CITIZENS FOR COMMUNITY IMPROVEMENT (TABLED)**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to deny the attached petition for rule making to add a new chapter 32, "Controlling Air Pollution from Confined Feeding Operations," 567 Iowa Administrative Code.

The petition proposes to add a new chapter containing a detailed set of rules creating a comprehensive air quality construction and operating permit program and the setting of air quality emissions standards for the regulation of emissions of various chemicals and odors from large-scale livestock facilities. The specific language proposed by petitioner should not be adopted because 2002 Iowa Acts, Senate File 2293, gives specific direction to DNR regarding the regulation of animal feeding operations. 2002 Iowa Acts, Senate File 2293, section 23, gives specific direction to DNR regarding the development of comprehensive plans and programs for air quality.

(A copy of the denial is available in the Department's Record Center.)

*Motion was made by Gary Priebe to remove the petition from the table. Seconded by Terry Townsend. Motion carried unanimously.*

**REMOVED FROM TABLE**

Jim McGraw said the Department is requesting a denial of the petition due to the specific direction given to the Department through SF2293 on the regulation of confined animal feeding operations.

*Motion was made by Darrell Hanson to deny the petition for rulemaking on. Seconded by Rita Venner.*

Lisa Davis Cook asked there were items in the petition that were precluded by the legislation.

Eric Davidson from Iowa Citizens for Community Improvement said the intention of the petition was to get rulemaking for these facilities started. They still have concerns about an odor standard, which is not being addressed at this time although it was clearly recommended in the university study. He said the other issue is the enforcement, because they feel this is a public health issue they feel enforcement should be addressed immediately. He said Iowa CCI does not feel as though the rulemaking is going fast or far enough and they would like to see action taken on the above points prior to denying the petition.

Wayne Gieselman said the Department is unable to act on certain points contained in the original petition because of the legislation, therefore it needs to be denied.

Rita Venner said that by denying the petition the Commission is not saying they are not concerned about air quality.

*Motion carried unanimously.*

**PETITION DENIED**

**OPEN DISCUSSION**

Jon Tack provided an update on Rimade Tire to the Commission. He said the Wednesday after the June 17 Commission meeting the Department reached an agreement with Rimade to have the site cleaned up. Mel Pins arranged for Greenman Technologies to bring a crew in from South Dakota because the Iowa crews had other sites they were working on. The following Monday the crew began working, knowing that the program was scheduled to end the following Sunday. On Friday and Saturday that crew was joined by all of the Iowa crews and one operator who lived near the area agreed to stay and work through Sunday. The total tonnage removed from the site was the equivalent of 177,000 tires, which was double the estimated amount. Once into the cleanup the crews found a confinement building and a manure storage building complete with a manure pit filled with tires. Greenman crews removed as many as 17 trucks per day, which is nearly double the full rate of 9 trucks per day. Mr. Drees agreed to pay a cost share of \$10,000 out of the \$231,000 paid by the State of which he has paid \$850.00. The next payment is due on August 1, however the Department has offered Mr. Drees credit toward his cost share if he would spend the money for the removal of the remaining 15,000 shredded tires that could not be cleaned up due to lack of time.

Jim Braun asked how high the exceedances were at the monitoring site in Hamilton County.

Wayne Gieselman said the Hamilton County monitoring site monitors hydrogen sulfide only and the highest exceedance was approximately double the proposed standard. He said the data from the monitoring site is available on the web site.

Gary Priebe asked if the standards are being exceeded now what are the options to control the pollutants.

Wayne Gieselman said there are a number of things that can be done to control emissions such as filters on the exhaust fans.

**DECISION ADVANCED ENVIRONMENTAL TECHNOLOGY APPLICATION FOR HAZARDOUS WASTE FACILITY SITE LICENSE FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER AND PROPOSED SITE LICENSE**

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

Following a public hearing on June 17, 2002, the Commission voted unanimously to request that Administrative Law Judge Margaret LaMarche prepare a Findings of Fact, Conclusions of Law, Decision and Order in favor of issuance of a site license to Advanced Environmental Technology, Inc. pursuant to Division IV, Part 6 of Chapter 455B of the Code of Iowa and Chapter 567-150 of the Iowa Administrative Code for the hazardous waste treatment facility located at the Iowa Army Ammunition Plant in Des Moines County. The Commission further directed the department to prepare the site license for approval.

The proposed Findings of Fact, Conclusions of Law, Decision and Order and also the proposed site license now come before the Commission for review and, if appropriate, approval.

Pursuant to 567 IAC 150.8(1), the Commission's decision must be rendered on or before August 24, 2002.

(A copy of the permit and the ruling are available in the Department's Record Center.)

Temporary Commissioner Dennis Hinkle joined the meeting via conference call.

Jon Tack said at a public hearing on June 17, 2002 in Burlington, Iowa the Commission heard evidence as to whether to approve the site license for Advanced Environmental Technology. During deliberations after the close of the hearing the Commission voted unanimously to ask the Administrative Law Judge to prepare an order based on that evidence, approving the site license and asked the Department to prepare the site license. He said both of those documents have been prepared and forwarded to the Commissioners. At this time there will be no further evidence presented and the decision before the Commission is whether to adopt the Administrative Law Judge's proposed ruling and to approve or deny the site license.

*Motion was made by Darrell Hanson to adopt the Administrative Law Judges proposed ruling and to approve the site license for Advanced Environmental Technologies. Seconded by Rita Venner. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief of the Compliance and Enforcement Bureau presented the following item.

**BCD Corporation [Council Bluffs] Water Quality**

Mike Murphy briefed the Commission on the history of the case. He said this involves a housing development in Council Bluffs that began in the early 1990's. Complaints were received in the late nineties and it was determined that the project did not have the required storm water discharge permit. Because there had been some miscommunication on the part of the Department which may have caused some confusion issued an administrative order without penalty, in October 2000. Because the construction site is in the Loess Hills area the Department was very careful to outline to them what their expectations were for the future. The following year the Department received another complaint regarding the lack of erosion control for the facilities. The subsequent investigation showed that BCD still did not have the pollution prevention plan in place nor could they show proof of weekly inspections as was required. The Department feels that the prolonged noncompliance with the administrative order after the Department went out of its way to resolve the issues in a non-punitive fashion, warrants significant penalties.

**Appointment Feldman, Mark (BCD Corporation Referral)**

Mark Feldman, Legal Council for BCD Corporation said he was there to respectfully acknowledge the communication from the Department. He said they do recognize that on the prior occasion when the order was entered that the Department accommodated the company and that no penalty was imposed. He said BCD asked him to appear and relate to the Commission their continued willingness and desire of the company to work with the Department. He asked the Commission to defer the matter to see if it can be resolved through the Department without referral.

Darrell Hanson said even allowing for the miscommunication from the Department in 1998, there has been a long period of continuing noncompliance.

<i>Motion was made by Darrell Hanson to refer BCD Corporation to the Attorney General. Seconded by Jim Braun.</i>
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Lisa Davis Cook asked if the company had been required to have the pollution prevention plan in 1994 when the construction began.

Mike Murphy said they were supposed to have one in order to obtain a permit.

<i>Motion carried unanimously.</i>
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<b>REFERRED</b>
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**GENERAL DISCUSSION**

Kathryn Murphy said she had received a letter from Hal Morton regarding Title V permits.

Wayne Gieselman said he would be meeting with Mr. Morton later that week.

Kathryn Murphy asked for an update at the August meeting.

**NEXT MEETING DATES**

Jeff Vonk brought up the issue of the Commission travelling to other locations for some of the meetings.

It was suggested that the Department set up a meeting at Clear Lake in September and ask John Downing to make a presentation on the work being done there.

Suggested tour sites for the future are John Deere and Water Works.

**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 1:45 p.m., Monday, July 22, 2002.

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Jeffrey R. Vonk, Director

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Kathryn Murphy, Chair

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Rita Venner, Secretary

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